

REMARKS

The Examiner has required restriction under 35 U.S.C. § 121 of the application into one of two allegedly distinct inventions. Specifically, the Examiner identifies the two inventions as being:

Group I consisting of claims 1-13 drawn to vaccine compositions containing TGF α , derivatives of TGF α or a combination of TGF α with other EGFR ligands, coupled to any carrier protein, classified in class 530, subclass 402, class 424, subclass 193.1, class 514, subclass 2; and

Group II consisting of claims 14-18, drawn methods of treatment comprising administering a TGF α -conjugate composition, classified in class 424, subclass 193.1.

Pursuant to 37 C.F.R. § 1.142, Applicants elect Group I, claims 1 through 13 without traverse. Claims 14-18 are withdrawn from further consideration by the Examiner under 37 C.F.R. § 1.142(b), as being drawn to a non-elected invention.

Applicants also reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected invention during the pendency of the present application. In the event of allowable product claims, Applicants reserve the right to request rejoinder of process claims that depend from or otherwise include all the limitations of allowable product claims.

CONCLUSION

Applicants respectfully request prompt and favorable action on claims 1 through 13. No fees are believed to be due in connection with this submission other than for the one month extension of time. However, if Applicants are incorrect in this assumption, please charge any fee due to Deposit Account No. 23-2415 (referencing attorney docket 30797-717).

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (858) 350-2309.

Respectfully submitted,

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